

E.B.  
08/28/98

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August 28, 1998

**TELECOPY**

Mr. Francis J. Biros  
Environmental Enforcement Section  
Environment and Natural Resources Division  
UNITED STATES DEPARTMENT OF JUSTICE  
P.O. Box 7611  
Ben Franklin Station  
Washington, D.C. 20044-7611



Mr. Daniel K. DeWitt  
WARNER, NORCROSS & JUDD  
900 Old Kent Building  
Grand Rapids, MI 49503

Re: United States of America v. City of Albion, Michigan v. Cooper Industries, et al., Case No. 1:97-CV-1037 (W.D. Mich.);  
Sheridan Township Landfill, Calhoun County, Michigan

Dear Gentlemen:

It has come to my attention this week that each of you has contacted City of Albion representatives with regard to this matter without prior notice to or consent by this law firm. In the one instance the communication was to a current City Council member, whereas the other was with a former City Manager. Please let me know if you have made any other communications with current or former City of Albion Council members or employees regarding this matter.

In the future, I request that any and all communications with representatives of the City of Albion, past or present, regarding the matters at issue in this litigation, be conducted through this law firm as legal counsel for the City of Albion. We have offered on various

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occasions to facilitate locating and making available City representatives for interviews or depositions, and would intend to continue that cooperation and assistance.

Whether you view this as a matter of professional responsibility or professional courtesy, I would appreciate your concurrence in this request. Alternatively, if you do not view these contacts as subject to MRPC 4.2, then you are conceding that the person with whom you have communicated cannot bind the City for purposes of liability or admission in this matter. However, you may be exposing yourself to possible disqualification if you were to learn of attorney-client privileged information by communicating without our involvement as the City's legal counsel.

If you have any questions with regard to any of the above, please call me at your convenience.

Very truly yours,

VARNUM, RIDDERING, SCHMIDT & HOWLETT<sup>LLP</sup>



Charles M. Denton

/ss

cc: Mr. Kim A. Cox  
Mr. Charles A. Robison  
Mr. Michael L. Caldwell  
Mr. Philip M. Moilanen  
✓ Ms. Kathleen K. Schnieders